

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

KENNETH HAMILTON,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
PRO SE MOTION FOR EARLY
TERMINATION OF PROBATION

Case No. 1:02-CR-55 TS

This matter is before the Court for consideration of Defendant Kenneth Hamilton's *Pro Se* Motion for Early Termination of Supervised Release.¹ The government opposes the Motion.²

Defendant was convicted, following a jury trial, of transporting child pornography in interstate commerce. On April 1, 2004, Defendant was sentenced to a twenty-four month term of imprisonment, to be followed by a thirty-six month term of supervised release. Judgment was entered on April 9, 2004. Defendant began his term of supervised release on January 27, 2006.

¹Docket No. 128. Defendant has previously filed a Motion for Early Termination of Supervised Release, which the Court also denied. *See* Docket No. 127.

²Docket No. 129.

DISCUSSION

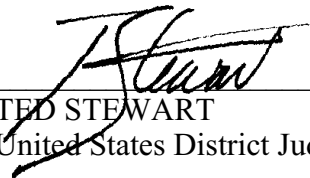
18 U.S.C. § 3583(e) permits the Court to terminate supervised release at any time after a defendant has completed at least one year of supervised release, but prior to completion of the entire term, if the Court is satisfied that such action is (1) warranted by the conduct of an offender and (2) is in the interest of justice. In making this determination, the Court is directed to consider the factors set forth in 18 U.S.C. § 3553(a), to the extent they are applicable.

Defendant represents that he has: served two-thirds of his term of supervised release without any violations, paid his fees and fines, maintained steady employment, completed his counseling, performed voluntary community service, and has successfully participated in a computer monitoring program. After consultation with Defendant's probation officer, having reviewed the file, and being otherwise fully informed, the Court will DENY Defendant's Motion (Docket No. 128). The Court shares the concerns of the United States Probation Office and, therefore, directs that Defendant remain under supervision.

SO ORDERED.

DATED February 25, 2008.

BY THE COURT:



TED STEWART
United States District Judge